



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2163

DATE SCANNED 3/9/11

SCANNER NO. 2

SCAN OPERATOR SES

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2010 SEP 14 A 10:15

September 13, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/SARI PICKERALL *NUS*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 JULY
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 July Quarterly Report in accordance with 2 U.S.C. § 434(a). The July Quarterly Report was due on July 15, 2010.

The committees listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 JULY QUARTERLY Not Election Sensitive 07/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2155	C00467365	AMODEI FOR NEVADA	AMODEI, MARK EUGENE	NICOLA NEILON	\$166,585	0		Not Filed	\$55,528 (est)	\$2,970
2156	C00470963	BURTON FOR CONGRESS	BURTON, ROBERT	ROBERT CLAUHS	\$230,380	0	8/1/2010	17	\$18,012	\$195
2157	C00465120	CARLOS MAY FOR CONGRESS	MAY, CARLOS ANDREW	BEN ROEGER	\$164,784	0	7/21/2010	6	\$26,366	\$320
2158	C00469833	CITIZENS TO ELECT ROBERT MARSHALL	MARSHALL, ROBERT ALAN	ROBERT MARSHALL	\$217,179	1		Not Filed	\$54,295 (est)	\$3,712
2159	C00464412	COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS	HEILESON, CHICK	CORBET R. MISKIN	\$254,203	0	8/27/2010	Not Filed	\$49,612	\$990
2161	C00462929	COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS	VEREEN, RODERICK D	CHUCK MOGBO	\$154,287	0	7/24/2010	9	\$23,166	\$155
2163	C00470179	DR DAN 4 CONGRESS	EICHENBAUM, DAN	BRIAN UMBARGER	\$233,049	1		Not Filed	\$77,683 (est)	\$4,812
2167	C00463653	FRIENDS OF STEVEN WELCH	WELCH, STEVEN D	JEFFREY MICHAEL SPARLING	\$1,600,270	0		Not Filed	\$533,423 (est)	\$10,450
2168	C00462325	GALYEAN FOR CONGRESS	GALYEAN, JAMES D	CHRISTOPHER STEWART CAULEY	\$273,846	0		Not Filed	\$68,462 (est)	\$2,970
2169	C00477943	GUNNER DELAY FOR CONGRESS	DELAY, ROBERT GUNNER	MICHAEL DAVID COLLINS	\$153,356	0		Not Filed	\$76,678 (est)	\$3,850
2170	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		MARTIN MASCUILLI	\$113,995	1	7/22/2010	7	\$21,443	\$181

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2171	C00233049	LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE		JOSEPH R. LIBONATI	\$103,366	0	7/29/2010	14	\$7,750	\$125
2172	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$163,890	1	7/29/2010	14	\$31,621	\$600
2174	C00043463	MANUFACTURED HOUSING INSTITUTE PAC		RAE ANN BEVINGTON	\$192,689	0	8/13/2010	29	\$15,621	\$255
2175	C00419986	MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL		HELEN E. CARLIN	\$336,332	0	7/22/2010	7	\$46,115	\$340
2176	C00086348	NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC		MICHAEL F. HARRIS	\$102,671	0	7/21/2010	6	\$49,471	\$320
2177	C00238204	PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC		DR. PARVEZ SHAH	\$107,285	0	7/22/2010	7	\$14,386	\$145
2178	C00355784	ROBINSON COMMITTEE LLC	ROBINSON, JACK E	JACK E. ROBINSON	\$1,144,604	1	7/31/2010	16	\$4,018	\$131

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation - 2010)
 July Quarterly Report for the Administrative)
 Fine Program:)
 MANUFACTURED HOUSING) AF# 2174
 INSTITUTE PAC, and BEVINGTON, RAE)
 ANN as treasurer;)

BURTON FOR CONGRESS, and) AF# 2156
 ROBERT CLAUHS as treasurer;)
 ROBINSON COMMITTEE LLC, and) AF# 2178
 JACK E ROBINSON as treasurer;)
 LABORER'S INTERNATIONAL UNION) AF# 2171
 OF NO AMERICA LOCAL NO 17)
 POLITICAL LEAGUE, and JOSEPH R)
 LIBONATI as treasurer;)
 LIBERTARIAN PARTY OF INDIANA,) AF# 2172
 and TODD SINGER as treasurer;)

COMMITTEE TO ELECT RODERICK) AF# 2161
 VEREEN FOR CONGRESS, and CHUCK)
 MOGBO as treasurer;)
 INT LONGSHOREMENS ASSOC (ILA)) AF# 2170
 LOCAL 1291 POLITICAL ACTION)
 COMMITTEE, and MARTIN MASCUILLI)
 as treasurer;)
 MONTEREY COUNTY DEMOCRATIC) AF# 2175
 CENTRAL COMMITTEE FEDERAL, and)
 HELEN E CARLIN as treasurer;)
 PAKISTANI AMERICAN PUBLIC) AF# 2177
 AFFAIRS COMMITTEE PAK-PAC, and)
 DR. PARVEZ SHAH as treasurer;)
 CARLOS MAY FOR CONGRESS, and) AF# 2157
 ROEGER, BEN as treasurer;)
 NATIONAL ASSOCIATION FOR) AF# 2176
 UNIFORMED SERVICES PAC, and)
 HARRIS, MICHAEL F. as treasurer;)

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AMODEI FOR NEVADA, and NICOLA) AF# 2155
NEILON as treasurer;)
CITIZENS TO ELECT ROBERT) AF# 2158
MARSHALL, and ROBERT MARSHALL)
as treasurer;)
COMMITTEE TO ELECT CHICK) AF# 2159
HEILESON TO CONGRESS, and)
CORBET R MISKIN as treasurer;)

DR DAN 4 CONGRESS, and BRIAN) AF# 2163
UMBARGER as treasurer;)

FRIENDS OF STEVEN WELCH, and) AF# 2167
JEFFREY MICHAEL SPARLING as)
treasurer;)
GALYEAN FOR CONGRESS, and) AF# 2168
CAULEY, CHRISTOPHER STEWART as)
treasurer;)
GUNNER DELAY FOR CONGRESS, and) AF# 2169
MICHAEL DAVID COLLINS as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 13, 2010, on the following committees:

AF#2174 Decided by a vote of 6-0 to: (1) find reason to believe that MANUFACTURED HOUSING INSTITUTE PAC, and BEVINGTON, RAE ANN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2156 Decided by a vote of 6-0 to: (1) find reason to believe that BURTON FOR CONGRESS, and ROBERT CLAUHS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2178 Decided by a vote of 6-0 to: (1) find reason to believe that ROBINSON COMMITTEE LLC, and JACK E ROBINSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2171 Decided by a vote of 6-0 to: (1) find reason to believe that LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE, and JOSEPH R LIBONATI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report;

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(2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2172 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2161 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2170 Decided by a vote of 6-0 to: (1) find reason to believe that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCULLI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2175 Decided by a vote of 6-0 to: (1) find reason to believe that MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL, and HELEN E CARLIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2177 Decided by a vote of 6-0 to: (1) find reason to believe that PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC, and DR. PARVEZ SHAH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2157 Decided by a vote of 6-0 to: (1) find reason to believe that CARLOS MAY FOR CONGRESS, and ROEGER, BEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2176 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC, and HARRIS, MICHAEL F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2155 Decided by a vote of 6-0 to: (1) find reason to believe that AMODEI FOR NEVADA, and NICOLA NEILON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2158 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS TO ELECT ROBERT MARSHALL, and ROBERT MARSHALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2159 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS, and CORBET R MISKIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2163 Decided by a vote of 6-0 to: (1) find reason to believe that DR DAN 4 CONGRESS, and BRIAN UMBARGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2167 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF STEVEN WELCH, and JEFFREY MICHAEL SPARLING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Baucry, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2168 Decided by a vote of 6-0 to: (1) find reason to believe that GALYEAN FOR CONGRESS, and CAULEY, CHRISTOPHER STEWART as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2169 Decided by a vote of 6-0 to: (1) find reason to believe that GUNNER DELAY FOR CONGRESS, and MICHAEL DAVID COLLINS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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September 15, 2010
Date

Attest:

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 2010

Brian Umbarger, in official capacity as Treasurer
Dr. Dan 4 Congress
P.O. Box 18223
Asheville, NC 28814

C00470179
AF#: 2163

Dear Mr. Umbarger:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30, 2010, shall be filed no later than July 15, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 15, 2010, the FEC found that there is reason to believe ("RTB") that Dr. Dan 4 Congress and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 15, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,812. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$4,812 is due within forty (40) days of the finding, or by October 25, 2010, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$77,683
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 25, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Dr. Dan 4 Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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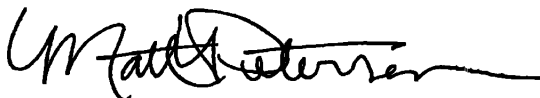
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$4,812 for the 2010 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 25, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Dr. Dan 4 Congress

FEC ID#: C00470179

AF#: 2163

PAYMENT DUE DATE: October 25, 2010

PAYMENT AMOUNT DUE: \$4,812

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *me* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *DR in*
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL DETERMINATION
RECOMMENDATION FOR THE 2010 JULY QUARTERLY REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2010 July Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Amodei for Nevada (AF 2155) filed the 2010 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$2,218 (previously estimated to be \$55,528), thus the fine would be lowered from \$2,970 to \$250. The committee paid the civil money penalty assessed at RTB; we will therefore issue a refund for the difference.

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Dr. Dan 4 Congress (AF 2163) filed the 2010 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$42,972 (previously estimated to be \$77,683), thus the fine would be lowered from \$4,812 to \$1,237.

Gunner Delay for Congress (AF 2169) filed the 2010 July Quarterly Report after the RTB finding and disclosed a level of activity after the RTB finding which would result in a lower civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$31,891 (previously estimated to be \$76,678), thus the fine would be lowered from \$3,850 to \$990.

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report - Fine Paid
2010 JULY QUARTERLY Not-Election Sensitive 07/15/2010 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2155	AMODEI FOR NEVADA	AMODEI, MARK EUGENE	C00487395	NICOLA NEILON	10/20/2010	Not Filed	\$2,218	0	09/15/2010	\$2,970	\$250	11/17/2010	\$2,970*
2156	BURTON FOR CONGRESS	BURTON, ROBERT	C00470963	ROBERT CLAUHS	08/01/2010	17	\$18,012	0	09/15/2010	\$195	\$195	11/17/2010	\$195
2157	CARLOS MAY FOR CONGRESS	MAY, CARLOS ANDREW	C00485120	BEN ROEGER	07/21/2010	6	\$28,366	0	09/15/2010	\$320	\$320	11/17/2010	\$320
2159	COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS	HEILESON, CHICK	C00484412	CORBET R. MISKIN	08/27/2010	Not Filed	\$49,612	0	09/15/2010	\$980	\$980	11/17/2010	\$980
2161	COMMITTEE TO ELECT RODERICK VERREEN FOR CONGRESS	VERREEN, RODERICK D	C00482928	CHUCK MOGBO	07/24/2010	9	\$23,166	0	09/15/2010	\$155	\$155	11/17/2010	\$155
2170	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		C00354613	MARTIN MASCUILLI	07/22/2010	7	\$21,460	1	09/15/2010	\$181	\$181	11/17/2010	\$181
2171	INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17		C00233049	JOSEPH R. LIBONATI	07/29/2010	14	\$7,750	0	09/15/2010	\$125	\$125	09/28/2010	\$125
2172	POLITICAL LEAGUE LIBERTARIAN PARTY OF INDIANA		C00426320	TODD SINGER	07/29/2010	14	\$31,621	1	09/15/2010	\$800	\$800	11/17/2010	\$800
2174	MANUFACTURED HOUSING INSTITUTE PAC		C00043463	RAE ANN BEVINGTON	08/13/2010	29	\$15,821	0	09/15/2010	\$255	\$255	10/20/2010	\$255
2175	MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL		C00418886	HELEN E. CARLIN	07/22/2010	7	\$46,115	0	09/15/2010	\$340	\$340	11/24/2010	\$340
2176	NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC		C00086348	MICHAEL F. HARRIS	07/21/2010	6	\$49,471	0	09/15/2010	\$320	\$320	11/17/2010	\$320
2177	PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC		C00238204	DR. PARVEZ SHAH	07/22/2010	7	\$14,386	0	09/15/2010	\$145	\$145	10/04/2010	\$145
2178	ROBINSON COMMITTEE LLC	ROBINSON, JACK E	C00355784	JACK E. ROBINSON	07/31/2010	16	\$4,018	1	09/15/2010	\$131	\$131	10/15/2010	\$131

* Amodei for Nevada (AF 2155) paid the \$2,970 estimated civil money penalty assessed at RTB; and will be issued a refund for the difference of \$2,720.

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11/29/2010 4:01 PM

Federal Election Commission
FD Circulation Report Fine Not Paid
2010 JULY QUARTERLY Not Election Sensitive 07/15/2010 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2183	DR DAN A CONGRESS	EICHENBAUM, DAN	C00470179	BRIAN UMBARGER	10/22/2010	Not Filed	\$42,972	1	09/15/2010	\$4,812	75	\$1,237
2189	GUNNER DELAY FOR CONGRESS	DELAY, ROBERT GUNNER	C00477943	MICHAEL DAVID COLLINS	10/15/2010	Not Filed	\$31,891	0	09/15/2010	\$3,850	75	\$980

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Administrative Fine Program Final)
 Determination Recommendation for the)
 2010 July Quarterly Report:)
 MANUFACTURED HOUSING) AF# 2174
 INSTITUTE PAC, and BEVINGTON, RAE)
 ANN as treasurer;)
 BURTON FOR CONGRESS, and) AF# 2156
 ROBERT CLAUHS as treasurer;)
 ROBINSON COMMITTEE LLC, and) AF# 2178
 JACK E ROBINSON as treasurer;)
 LABORER'S INTERNATIONAL UNION) AF# 2171
 OF NO AMERICA LOCAL NO 17)
 POLITICAL LEAGUE, and JOSEPH R)
 LIBONATI as treasurer;)
 LIBERTARIAN PARTY OF INDIANA,) AF# 2172
 and TODD SINGER as treasurer;)

COMMITTEE TO ELECT RODERICK) AF# 2161
 VEREEN FOR CONGRESS, and CHUCK)
 MOGBO as treasurer;)
 INT LONGSHOREMENS ASSOC (ILA)) AF# 2170
 LOCAL 1291 POLITICAL ACTION)
 COMMITTEE, and MARTIN MASCUILLI)
 as treasurer;)
 MONTEREY COUNTY DEMOCRATIC) AF# 2175
 CENTRAL COMMITTEE FEDERAL, and)
 HELEN E CARLIN as treasurer;)
 PAKISTANI AMERICAN PUBLIC) AF# 2177
 AFFAIRS COMMITTEE PAK-PAC, and)
 DR. PARVEZ SHAH as treasurer;)
 CARLOS MAY FOR CONGRESS, and) AF# 2157
 ROEGER, BEN as treasurer;)
 NATIONAL ASSOCIATION FOR) AF# 2176
 UNIFORMED SERVICES PAC, and)
 HARRIS, MICHAEL F. as treasurer;)

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AMODEI FOR NEVADA, and NICOLA) AF# 2155
NEILON as treasurer;)
COMMITTEE TO ELECT CHICK) AF# 2159
HEILESON TO CONGRESS, and)
CORBET R MISKIN as treasurer;)
DR DAN 4 CONGRESS, and BRIAN) AF# 2163
UMBARGER as treasurer;)

GUNNER DELAY FOR CONGRESS, and) AF# 2169
MICHAEL DAVID COLLINS as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on December 01, 2010 the Commission took the following actions on the Administrative Fine Program Final Determination Recommendation for the 2010 July Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated November 29, 2010, on the following committees:

AF#2174 Decided by a vote of 6-0 to: (1) make a final determination that MANUFACTURED HOUSING INSTITUTE PAC, and BEVINGTON, RAE ANN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2156 Decided by a vote of 6-0 to: (1) make a final determination that BURTON FOR CONGRESS, and ROBERT CLAUHS as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2178 Decided by a vote of 6-0 to: (1) make a final determination that ROBINSON COMMITTEE LLC, and JACK E ROBINSON as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2171 Decided by a vote of 6-0 to: (1) make a final determination that LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE, and JOSEPH R LIBONATI as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2172 Decided by a vote of 6-0 to: (1) make a final determination that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2161 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2170 Decided by a vote of 6-0 to: (1) make a final determination that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCUILLI as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2175 Decided by a vote of 6-0 to: (1) make a final determination that MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL, and HELEN E CARLIN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2177 Decided by a vote of 6-0 to: (1) make a final determination that PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC, and DR. PARVEZ SHAH as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2157 Decided by a vote of 6-0 to: (1) make a final determination that CARLOS MAY FOR CONGRESS, and ROEGER, BEN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2176 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC, and HARRIS, MICHAEL F. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2155 Decided by a vote of 6-0 to: (1) make a final determination that AMODEI FOR NEVADA, and NICOLA NEILON as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2159 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS, and CORBET R. MISKIN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2163 Decided by a vote of 6-0 to: (1) make a final determination that DR DAN 4 CONGRESS, and BRIAN UMBARGER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2169 Decided by a vote of 6-0 to: (1) make a final determination that GUNNER DELAY FOR CONGRESS, and MICHAEL DAVID COLLINS as treasurer, violated 2

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Federal Election Commission
Certification for Administrative Fines
December 01, 2010

Page 5

U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weinhaus voted affirmatively for the decision.

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Attest:

December 3, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 2010

Brian Umbarger, in official capacity as Treasurer
Dr. Dan 4 Congress
P.O. Box 18223
Asheville, NC 28814

C00470179
AF#: 2163

Dear Mr. Umbarger:

On September 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Dr. Dan 4 Congress and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2010 July Quarterly Report. By letter dated September 21, 2010, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$4,812 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. The amount of the civil money penalty has been changed to reflect the actual level of activity of the 2010 July Quarterly Report.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on December 1, 2010 that you, in your official capacity as treasurer, and Dr. Dan 4 Congress violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$1,237 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$42,972

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

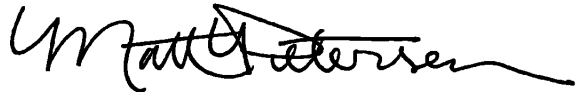
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Matthew S. Petersen
Chairman

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,237 for the 2010 July Quarterly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Dr. Dan 4 Congress

FEC ID#: C00470179

AF#: 2163

PAYMENT AMOUNT DUE: \$1,237

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FOR: Dr. Dan 4 Congress

FEC ID#: C00470179

AF#: 2163

PAYMENT AMOUNT DUE: \$1,237

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000123700 BA# 1 12-21-10 20 4



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DANIEL M. EICHENBAUM 12-28		6776
RHONDA CROWDER		00-1167/531
MURPHY, NC 28906		BRANCH 4
DATE <u>Dec. 20, 2010</u>		
PAY TO THE ORDER OF <u>Federal Election Commission</u>		\$ <u>1,237.00</u>
<u>One thousand two hundred thirty seven Dollars</u>		
United Community Bank		
FEC ID# C00470179		
FOR DR. DAN 4 CONGRESS AF# 2163		<u>Loretta Barton</u>



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2163

DATE SCANNED

3/9/11

SCANNER NO.

2

SCAN OPERATOR

SES

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